

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

DWAYNE CONLEY,

Defendant.

No. 19-CR-131 (PAE)

ORDER

WHEREAS, the Court and the parties seek to ensure that Dwayne Anthony Conley has meaningful access to review discovery and other case materials while detained at the Metropolitan Correctional Center (“MCC”); and

WHEREAS, the Court seeks to ensure that such discovery access does not jeopardize the security and operational interests of the MCC;


IT IS HEREBY ORDERED that

1. Mr. Conley may have access to an “air-gapped” laptop computer (the “Laptop”) that is disabled from accessing the internet, local area networks, or other electronic devices;
2. Upon receipt of an acceptable laptop computer from counsel for Mr. Conley, the Government shall (a) ensure that the laptop is appropriately “air gapped” and compatible with the MCC’s security requirements; (b) load the laptop with the non-sensitive and non-confidential discovery in this case; and (c) deliver the laptop to the proper authorities at the MCC within 72 hours of completing the tasks described in 2(a);
3. The Laptop shall be password-protected and maintained in a location acceptable to MCC personnel;

4. MCC personnel will provide Mr. Conley with access to the Laptop in the law library, attorney conference rooms or, if they are not available, another area mutually acceptable to Mr. Conley and MCC, for at least 5 hours each weekday (except on public holidays), for a total of 25 hours per week. The MCC is not required to provide Mr. Conley with laptop access on a public holiday, provided that the MCC ensures that Mr. Conley receives a minimum of 25 hours of laptop access during the week which the public holiday falls.
5. This Order remains in effect until the trial in this matter is completed and a copy of this Order shall be made available to any unit where Mr. Conley is housed;
6. Mr. Conley may use the Laptop for the sole purpose of reviewing discovery and legal materials that relate to his criminal case. He shall not share the Laptop or the materials loaded onto the Laptop with other inmates or with any attorney not appointed to this case without an order of this Court. He will not access or attempt to access the internet or any form of wireless communication. He will forfeit his right under this Order to use the Laptop, and he may expose himself to criminal prosecution for possessing or distributing a “prohibited object” as that term is defined in 18 U.S.C. § 1791(d) in the future, should he violate any of these understandings.
7. Within forty-eight hours of the MCC’s receipt of the Laptop from the Government, Mr. Conley shall receive access to the Laptop. Mr. Conley shall not have possession of any charging apparatus or cord that connects to the laptop.

Dated: New York, New York
January 11, 2021

SO ORDERED



The Honorable Paul A. Engelmayer
United States District Court
Southern District of New York